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HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 6284 OF 2005

PETITIONER: Krishna Kumar Chandrakar
S/o R.K. Chandrakar
Aged about 40 years,
R/o Vill. Boriyakhurd,
Raipur, Tahsil and Dist. Raipur
(C.G.)

Vs.

RESPONDENTS:

1. State of Chhattisgarh
Through : The Collector
Raipur (C.G.)

2. Krishi Upaj Mandi
Raipur (C.G.)

3. Managing Director
Agricultural Marketing Board
(Krishi Upaj Mandi)
Raipur (C.G.)

Present: Mr. Raghavendra Pradhan, counsel for the petitioner.

Mr. Yashwant Singh Thakur, Govt. Advocate for the State/ respondents No.1.

Mr. Ranbir Singh Marhas, counsel for respondent No.3.

ORAL ORDER

(Passed on 6th January, 2006)

The ground urged in this writ petition could be urged as a ground of attack as provided under sub-clause (iv) of clause (d) of sub-rule (2) of Rule 44 of the Madhya Pradesh Krishi Upaj Mandi (Adhisuchana Prakashan Riti, Bharsadhak Samiti Tata Mandi Samiti Gathan) Niyam, 1974 in an Election Petition. It is well settled that the Courts should be slow to interfere with the electoral process. That principle is based on a laudable objective that the election to the public offices should be held as per the schedule of events without interruptions by the Courts and if the

election of a candidate is illegal or irregular on any permissible ground, the election of the elected candidate could be challenged by way of election petition. In that view of the matter, having heard learned counsel for the parties for considerable time, I am not inclined to step-in under Article 226 of the Constitution of India. It was submitted on behalf of the respondents that the election notification is not issued in this case due to interim order made by this Court and in all other cases notification is already issued.

(2) In that view of the matter, I dismiss the writ petition leaving it open the grounds urged in this writ petition to be agitated by the petitioner at an appropriate stage.

Sd/-
Chief Justice

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